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March 28, 2012					
FEDERAL	MARITIME	COMMISSION			

FEDERAL MARITIME COMMISSION

WASHINGTON, D.C.

DOCKET NO. 11-14

PETRA PET, INC. (a/k/a PETRAPPORT)

v.

**PANDA LOGISTICS LIMITED; PANDA LOGISTICS CO., LTD. (f/k/a PANDA
INT'L TRANSPORTATION CO., LTD.); and RDM SOLUTIONS, INC.**

BRIEFING SCHEDULE AND SERVICE OF PRIOR ORDERS

Pursuant to the October 31, 2011, scheduling order, discovery in this matter closed on February 29, 2012. The initial decision in this matter is due by August 27, 2012. It is anticipated that the case will be presented through written briefs. A briefing schedule and instructions are provided below.

Complainant Petra Pet, Inc. ("Petra Pet") and respondents Panda Logistics Limited and Panda Logistics Co., Ltd. (collectively "Panda") requested a default decision against respondent RDM Solutions, Inc. It appears that respondent RDM Solutions, Inc. may not have been served with all relevant orders and filings in this matter, including the October 31, 2011, Notice of Default and Order to Show Cause.

Accordingly, attached to this Order are copies of the: (1) Initial Order (Aug. 29, 2011); (2) Notice of Default and Order to Show Cause (Oct. 31, 2011); and (3) Scheduling Order (Oct. 31, 2011). Also attached, to ensure a complete record, are the following documents filed by the parties: (1) Panda's Amended Answer (Dec. 20, 2011); (2) Joint Status Reports filed on October 18, 2011; January 13, 2012; and January 31, 2012; and (3) Joint Motion for Default Judgment against RDM Solutions, Inc. (Feb. 10, 2012).

RDM Solutions must respond on or before April 12, 2012, to the Notice of Default and Order to Show Cause originally issued on October 31, 2011. Failure to respond may result in a default decision in the amount of \$269,940.68 plus interest, attorney's fees, and other damages as

appropriate. A courtesy copy of the response shall be emailed to the Office of Administrative Law Judges at judges@fmc.gov.

The following schedule will govern these proceedings:

April 12, 2012	RDM Solutions' response to Order to Show Cause due.
May 1, 2012	Complainant files proposed findings of fact, appendix, and brief.
May 29, 2012	Respondents file proposed findings of fact, appendix, and brief and response to Complainant's proposed findings, appendix, and brief.
June 12, 2012	Complainant files reply to Complainants's proposed findings of fact, appendix, and brief.

The parties' proposed findings of fact, replies to proposed findings of fact, appendices, and briefs shall be in the following forms:

1. **[Party's] Proposed Findings of Fact.** This document shall set forth proposed findings of fact in numbered paragraphs. Each paragraph shall be limited as nearly as practicable to a single factual proposition. Each factual proposition shall be followed by an exact citation to evidence that the party contends will support the proposed finding of fact; *e.g.*, a page number in the Appendix.¹ See 46 C.F.R. § 502.221. The party shall provide to each other party *and to the Office of Administrative Law Judges* an electronic copy of its Proposed Findings of Fact with the hard copy of its Proposed Findings of Fact. The electronic copy shall be in a word-processing format (*e.g.*, Microsoft Word or WordPerfect) and provided by compact disk or email.
2. **[Party's] Reply to [Party's] Proposed Findings of Fact.** This document shall set forth verbatim each proposed finding of fact in another party's Proposed Findings of Fact, then admit or deny the proposed finding. Each proposed finding of fact that an opposing party denies shall be followed by an exact citation to evidence that the opposing party contends will rebut the evidence the proposing party claims supports the proposed finding of fact. The opposing party shall provide to the party *and to the Office of Administrative Law Judges* an electronic copy of the Reply to [Party's] Proposed Findings of Fact with the hard copies of the Reply to [Party's] Proposed Findings of Fact. The electronic copy shall be in a word-processing format (*e.g.*, Microsoft Word or WordPerfect) and provided by compact disk or email.

¹ Parties must designate specific facts and provide the court with their location in the record. *Orr v. Bank of Am., NT & SA*, 285 F.3d 764, 775 (9th Cir. 2002). "General references [to evidence] without page or line numbers are not sufficiently specific." *S. Cal. Gas Co. v. City of Santa Ana*, 336 F.3d 885, 889 (9th Cir. 2003).

3. **[Party's] Appendix.** The evidence on which a party's Proposed Findings of Fact or reply to another party's Proposed Findings of Fact is based shall be included in an Appendix.
 - a. The cover of the appendix shall identify the party or parties that prepared the appendix; e.g., "Petra Pet's Appendix" or "Panda's Appendix."
 - b. The pages of the appendix shall be numbered sequentially and secured in a three-ring binder;
 - c. The appendix must begin with a table of contents identifying the page at which each individual document begins;
 - d. Each party shall ensure that all documents in its appendix are legible; and
 - e. The parties are instructed to cite to a document in an appendix already in the record rather than include the same document in its own appendix. For instance, if Respondent contends that a document included in Complainant's appendix rebuts the evidence Complainant claims supports a proposed finding of fact, Respondent shall cite to Complainant's appendix rather than include a second copy of the same document in its own appendix.
4. **[Party's] Brief.** Each party shall file a brief meeting the requirements of Commission Rule 221, 46 C.F.R. § 502.221, with the exception that the proposed findings of fact required by section 502.221(d) shall be included in its Proposed Findings of Fact described above.
5. **Service and Filing.** The parties are encouraged to serve and file hard copies of the documents required by this order by overnight delivery service.

The parties are directed to consult with each other to determine the most practicable way to send electronic copies of documents in a word-processing format to each other. The parties are directed to send the electronic copy in a word-processing format of required documents to the Office of Administrative Law Judges at the following email address: judges@fmc.gov.



Erin M. Wirth
Administrative Law Judge